

**04-944 ARBAUGH V. Y & H CORP.**

DECISION BELOW: 380 F3d 219

LOWER COURT CASE NUMBER: 03-30365

**QUESTION PRESENTED:**

Section 701(b) of Title VII of the 1964 Civil Rights Act applies the Title VII prohibition against employment discrimination to employers with fifteen or more employees. Does this provision limit the subject matter jurisdiction of the federal courts, or does it only raise an issue going to the merits of a Title VII claim?

CERT. GRANTED 5/16/2005